

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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TAYR KILAAB al GHASHIYAH (KHAN),

Petitioner,

v.

PETER HUIBREGTSE, Warden,  
Wisconsin Secure Program Facility,

Respondent.

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ORDER

08-cv-413-slc

On August 20, 2008, this court entered an order and judgment dismissing petitioner's habeas corpus petition without prejudice. On August 25, 2008, petitioner filed a motion captioned "Petitioner's Motion for Reconsideration or In-the-Alternative Motion to Appeal," which the court construed as including a notice of appeal. On September 2, 2008, I entered an order denying petitioner's motion for reconsideration and his implied request for leave to proceed *in forma pauperis* on appeal.

On September 23, 2008, petitioner filed a second notice of appeal, indicating his intent to appeal from both the judgment and the September 2 order. Like his first notice of appeal, this appeal is not brought in good faith. Further, to the extent petitioner seeks to appeal the order denying his request to proceed *in forma pauperis*, the proper procedure is to file a motion in the court of appeals in accordance with Fed. R. App. P. 24(a)(5).

ORDER

Petitioner's implied request for leave to proceed *in forma pauperis* on appeal, filed September 23, 2008, is DENIED because I certify that his appeal is not taken in good faith.

Entered this 25<sup>th</sup> day of November, 2008.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge